

Remarks

Claims 1-20 were previously pending. Claims 21-28 have been added, and no claims have been either cancelled or amended. Hence, claims 1-28 are pending.

The Office Action rejects claims 1-3 and 7-20 under 35 U.S.C. §103(a) as being unpatentable over McClure et al. (US 6,250,548) (hereinafter “McClure”) in view of West et al. (US 6,175,833) (hereinafter “West”). Office Action of Nov. 19, 2003 at p. 2. This rejection is respectfully traversed in relation to independent claim 1.

Claim 1 provides a method for verifiable voting that includes, *inter alia*, receiving election selections, producing a receipt representative of the election selections and including a receipt number, and publishing the election results that include the receipt number. Such an approach can be used to create a more transparent election system where, as just one example, the receipt number can be used to “determine that their list of voter selections was received and counted correctly.” Application at p. 3, ll. 16-20.

The Office Action points out that “McClure fails to specifically teach or fairly suggest of publishing election results in public places such as an electronic bulletin board.” Office Action of Nov. 19, 2003 at p. 3. Not only does McClure fail to teach publication of election results, it fails to disclose, teach or suggest providing election results that include a receipt number as set forth in claim 1.

The rejection relies on West to overcome the admitted failure of McClure, however, West utterly fails to disclose, teach or suggest publication or display of election results that include a receipt number. Rather, the disclosure of West is limited to an Internet based “survey” system

for asking participants about current events such as, for example, whether the participant “thinks the Chicago Bulls will win the NBA title?” West at col. 4, ll. 28-42. To prevent the same browser from submitting multiple votes, the browser is assigned a “global unique identifier” when a survey site is accessed. West at col. 5, ll. 47-60. The next time the survey site is accessed, the browser is identified and presented with survey results rather than another opportunity to vote. West at col. 6, ll. 28-38. These survey results are displayed without the “global unique identifier”, and indeed it is both unnecessary and unlikely that a user accessing the browser would even know about the “global unique identifier”. Said another way, performing the processes disclosed by West neither include, nor are in any way advanced by publishing the “global unique identifier”. Accordingly, West does not motivate, teach or suggest providing election results that include the receipt number in the manner set forth in claim 1.

Because McClure admittedly fails to teach Applicant’s claimed approach to providing election results and West similarly fails, even if a combination of West and McClure was proper (which it is not), the combination would not support a *prima facie* case of obviousness. Claims 2-28 include similar limitations and/or depend from allowable independent claims. Hence, for at least the aforementioned reasons, Applicant respectfully requests withdrawal of the rejection and allowance of claims 1-28.

Applicant’s discussion of particular arguments of the Examiner should not be construed as a concession by applicants with respect to any other positions of the Examiner. Applicants’ assertion of arguments of patentability for certain claims should not be construed as suggesting that there are not also other good reasons why those or other claims are patentable.

CONCLUSION

In view of the foregoing, Applicants submit that all claims now pending in this Application are in condition for allowance. Therefore, an early Office Action to that effect is earnestly solicited. If the Examiner believes a telephone conference would aid in the prosecution of this case in any way, please call the undersigned at 303-607-3500.

The \$606.00 fee for additional claims; the petition for a one (1) month extension; and the Information Disclosure Statement are included in the credit card form PTO-2038. Please charge any additional fees required or credit any overpayments for this Amendment to Deposit Account 06-0029.

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Respectfully submitted,



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